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Memorandum

TO: BATA Oversight Committee

DATE: September 7, 2011

FR: Executive Director

W. I. 1254

RE: Resolution No. 70, Revised - Amending Bay Area Infrastructure Financing Authority (BAIFA) Joint Exercise of Powers Agreement with Bay Area Toll Authority*

In August 2006, BATA and MTC entered into a joint exercise of powers agreement creating BAIFA for the purpose of financing the state contribution to the toll bridge seismic retrofit program and “to plan, develop and fund transportation and related projects”. At the September 9 meeting of the MTC Planning Committee, MTC staff will ask the Planning Committee to forward to the Commission MTC Resolution No. 4030, authorizing BAIFA to submit an application to the California Transportation Commission (CTC) for authority to develop and implement an express lane facility on portions of I-80, I-880, I-680 and the Dumbarton and San Mateo-Hayward bridge approaches.

Toll operations, particularly start-up operations such as an Express Lane Network, carry a certain amount of inherent risk. Although MTC is eligible to apply to the CTC under Streets & Highways §149.7 on its own, MTC is also authorized by Streets and Highways Code §143(a)(4)(D) to consent to the submission of the application by a joint exercise of powers authority (JPA) within its jurisdiction. In order to protect MTC and regional transportation funds in the event of any financial shortfalls associated with the Express Lanes Network, staff will recommend to the Planning Committee that BAIFA submit the application to develop and operate the Network. If the application is approved and BAIFA develops and implements an Express Lane Network, BAIFA will enter into a cooperative agreement with BATA to operate and manage the electronic toll collection system throughout the Network.

The attached revisions to the BAIFA joint exercise of powers agreement are necessary in order for BAIFA to “develop and operate” an express lane facility.

Staff recommends that MTC Resolution No. 70, Revised, amending BAIFA’s Joint Exercise of Powers Agreement, dated August 1, 2006 (Attachment A) be forwarded to the Authority with a recommendation for approval.

Steve Heminger

Attachment

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